

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FREDERICK MEANS,)	CASE NO.: 1:20-CV-2241
)	
Plaintiff,)	JUDGE
)	
-v-)	NOTICE OF REMOVAL
)	
CUSTOM PRODUCTS CORPORATION,)	
)	
Defendant.)	

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Custom Products Corporation (“Defendant”) files this Notice of Removal to this Court of an action pending against it in the Court of Common Pleas, Cuyahoga County, Ohio. Removal is based on the following grounds:

1. On or about September 2, 2020, Plaintiff Frederick Means commenced an action against Defendant in the Court of Common Pleas, Cuyahoga County, Ohio (the “State Action”). That action bears the same title as the above caption and is docketed in the Court of Common Pleas, Cuyahoga County, Ohio as Case No. CV-20-936769.

TIMELY REMOVAL

2. On September 8, 2020, Defendant was served with copies of the Summons and the Complaint. Copies of the Summons and Complaint served on Defendant are attached as Exhibit A.

3. Exhibit A constitutes all pleadings filed in the State Action.

5. This Notice of Removal is being filed within 30 days of service of the Summons and the Complaint on Defendants, and therefore it is timely filed pursuant to 28 U.S.C. § 1446(b).

JURISDICTION

6. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1441.

7. The Complaint alleges Defendants violated the Americans with Disabilities Act (“ADA”), 42 U.S.C. 12101, *et seq.* (Complaint ¶¶ 29-33) and the Family and Medical Leave Act (“FMLA”), 29 U.S.C. 2601, *et seq.* (Complaint ¶¶ 39-43.) This Court has original jurisdiction over the ADA and FMLA claims pursuant to 28 U.S.C. § 1331(a) because the complaint expressly raises federal questions.

VENUE

8. Venue is proper in this district pursuant to 28 U.S.C. § 1391. Defendant resides within this District and a substantial part of the events or omissions giving rise to the claims are alleged to have occurred within this District.

9. This action is not a non-removable action as described in 28 U.S.C. § 1445.

NOTICE

10. Promptly after the filing of this Notice, Defendant will serve written notice of this removal on all parties and file a copy of this Notice of Removal with the Clerk of the Court of the Court of Common Pleas, Cuyahoga County, Ohio. A copy of the Notice of Filing Notice of Removal is attached as Exhibit B.

WHEREFORE, Defendant respectfully requests that this action be removed to this Court.

Respectfully submitted,

/s/ Corey N. Thrush

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2020, a copy of the foregoing was electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. A copy of the foregoing was also sent via email to:

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Attorney for Plaintiff

/s/ Corey N. Thrush

Corey N. Thrush (0085985)

One of the Attorneys for Defendant

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